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November 25, 2024

VIA ECF

Hon. Jennifer L. Rochon
United States District Court
Southern District of New York
500 Pearl Street, Room 1920
New York, New York 10007

Re: *Sai Malena Jimenez-Fogarty v. Thomas Fogarty, et al.*
Case No. 24-cv-08705-JLR

Dear Judge Rochon:

Our firm represents defendants Lisa Zeiderman and Ashley Kersting (collectively the “Zeiderman Defendants”) with respect to the above-captioned action. In accordance with Rule 4 (B) of Your Honor’s Individual Practices, the Southern District of New York’s Standing Order 19 Misc. 583, Fed. R. Civ. Proc. 5.2, and the Southern District of New York’s Electronic Case Filing Rules & Instructions sections 6 & 21, please allow this correspondence to serve as the Zeiderman Defendants’ letter motion requesting that the Court formally seal the docket, permitting only the parties to this action and the Court to view any and all filings.

The Zeiderman Defendants’ letter motion is being submitted as a result of Plaintiff Sai Malena Jimenez-Fogarty’s (“Plaintiff”) public filing of personal information from ongoing Supreme Court of the State of New York, Rockland County matrimonial court proceedings entitled *Thomas Fogarty v. Sai M. Jimenez*, Index No. 035547/2021 (the “Matrimonial Action”) in violation of New York Domestic Relations Law (“DRL”) §235 and Fed. R. Civ. Proc. 5.2, including, but not limited to: (i) the names, dates of birth, home addresses and photographs of Plaintiff’s and her ex-husband’s (Fogarty) children; (ii) details concerning parental visitation; (iii) social security number, date of birth, and other personally identifiable information (“PII”) of Fogarty; and (iv) sealed and confidential Court Orders, transcripts, and other filings from the Matrimonial Action.

The Zeiderman Defendants anticipate filing a Motion to Dismiss the Complaint pursuant to Fed. R. Civ. Proc. 12(b)(1) and Fed. R. Civ. Proc. 12(b)(6) in the immediate future and will presumably be relying on the allegations and attachments to the Complaint in that motion. Plaintiff’s five-hundred and thirty-three page Complaint is replete with sensitive and confidential information from the ongoing Matrimonial Action which the Zeiderman Defendants will be required to rely upon and cite to in their motion to dismiss.

In accordance with New York Domestic Relations Law §235, Judiciary Law §45, and Fed. R. Civ. Proc. 5.2, and to protect the privacy interests of the parties in the ongoing Matrimonial Action, we respectfully request that Your Honor seal the docket on this case, permitting only the parties to this action and the Court to view any and all existing and future filings.

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At a minimum, we would request permission to file their motion to dismiss under seal, so that the Zeiderman Defendants can comply with their obligations under the Federal Rules and New York Domestic Relations Law §235.

Respectfully submitted,

Kaufman Dolowich LLP

Brett A. Scher

Encl.

cc: **VIA ECF**
Sai Malena Jimenez-Fogarty
Pro Se Plaintiff